

EXHIBIT 22

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. 10 MC 00002 (LAK)

-----x

In re:

APPLICATION OF CHEVRON

-----x

January 18, 2011
9:30 a.m.

Continued Videotaped Deposition of
STEVEN DONZIGER, pursuant to Subpoena,
held at the offices of Gibson Dunn &
Crutcher LLP, 200 Park Avenue, New York,
New York, before Todd DeSimone, a
Registered Professional Reporter and
Notary Public of the State of New York.

<p style="text-align: right;">Page 2990</p> <p>1 2 A P P E A R A N C E S : 3 EMERY CELLI BRINCKERHOFF & ABADY LLP 75 Rockefeller Plaza, 20th Floor 4 New York, New York 10019 Attorneys for Ecuadorian Plaintiffs 5 BY: O. ANDREW F. WILSON, ESQ. awilson@ecbalaw.com 6 JONATHAN ABADY, ESQ. jabady@ecbalaw.com 7 8 9 COVINGTON & BURLING LLP 620 Eighth Avenue 10 New York, New York 10018-1405 Attorneys for Ricardo Reis Veiga 11 BY: ALAN VINEGRAD, ESQ. avinegrad@cov.com 12 13 14 15 RIVERO MESTRE LLP 2525 Ponce De Leon Blvd. Suite 1000 16 Miami, Florida 33134 Attorneys for Rodrigo Perez 17 Pallares 18 BY: CATHERINE C. GRIEVE, ESQ. cgrieve@riveromestre.com 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 2992</p> <p>1 2 A P P E A R A N C E S: (Continued) 3 4 5 ALSO PRESENT: 6 MAX GITTER, ESQ., Special Master 7 JUSTIN ORMAND, ESQ., Assistant to Special Master 8 JAMES ROBERTS, Videographer 9 VINCE MAGGIANO, Videographer 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2991</p> <p>1 2 A P P E A R A N C E S: (Continued) 3 GIBSON DUNN & CRUTCHER LLP 200 Park Avenue 4 New York, New York 10166 Attorneys for Chevron Corporation 5 BY: RANDY MASTRO, ESQ. rmastro@gibsondunn.com 6 KRISTEN HENDRICKS, ESQ. khendricks@gibsondunn.com 7 MARY BETH MALONEY, ESQ. mmaloney@gibsondunn.com 8 VIKRAM KUMAR, ESQ. vkumar@gibsondunn.com 9 JEFFREY COREN, ESQ. jcoren@gibsondunn.com 10 11 12 WINSTON & STRAWN LLP 200 Park Avenue 13 New York, New York 10166 Attorneys for Republic of Ecuador 14 BY: C. MacNEIL MITCHELL, ESQ. cmitchell@winston.com 15 16 17 FREIDMAN KAPLAN SEILER & ADELMAN LLP 1633 Broadway 18 New York, New York 10019-6708 Attorneys for Steven Donziger 19 BY: BRUCE S. KAPLAN, ESQ. bkaplan@fklaw.com 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 2993</p> <p>1 DONZIGER 2 THE VIDEOGRAPHER: Good morning. 3 We are going on the record. My name is 4 James Roberts of Veritext Reporting with 5 offices in New York City, New York. 6 Today's date is January 18th, 7 2011. The time is approximately 9:30 a.m. 8 The deposition is being held at Gibson 9 Dunn & Crutcher located at 200 Park 10 Avenue, New York City, New York. The 11 caption of the case, In Re Application of 12 Chevron, in the U.S. District Court, 13 Southern District of New York, case number 14 MC 00002(LAK). The name of the witness is 15 Steven Donziger. This is Volume XI. 16 THE SPECIAL MASTER: We are 17 going to be talking only among counsel for 18 a little bit. The witness is not here. 19 And I understand that Mr. Kaplan would 20 like to say something before we begin with 21 the testimony. What I had to say can 22 probably wait until the lunch break. So 23 why don't you go ahead and say what you 24 wanted to say, Mr. Kaplan. 25 MR. KAPLAN: Thank you, sir. I</p>

2 (Pages 2990 to 2993)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Page 3006

1 DONZIGER
 2 back on the record at 10:03 a.m.
 3 * * *
 4 STEVEN DONZIGER,
 5 having been previously duly sworn,
 6 testified further as follows:
 7 EXAMINATION BY MR. MASTRO:
 8 Q. Mr. Donziger, you are still
 9 under oath.
 10 A. Yes.
 11 Q. Mr. Donziger, I want to ask you
 12 some questions about the document
 13 production that was just made by your
 14 lawyers. Did you participate in helping
 15 your lawyers make that document production
 16 over the past 48 hours?
 17 A. Not in any level of detail, no.
 18 Q. When you say "not in any level
 19 of detail," in what ways did you
 20 participate?
 21 A. Well, we had discussions about
 22 the negotiations to produce the documents,
 23 but once an agreement was reached it was
 24 handled 100 percent by Mr. Kaplan's law
 25 firm.

Page 3007

1 DONZIGER
 2 Q. Are there any other e-mail
 3 accounts that you've had access to in
 4 connection with the Lago Agrio litigation
 5 that you have not informed your lawyers
 6 about?
 7 A. I don't believe so.
 8 Q. Am I correct that originally
 9 you didn't inform your lawyers when they
 10 initially made their document production
 11 about your Yahoo account?
 12 A. Which Yahoo account? Because I
 13 did inform them about sdonziger@yahoo.com.
 14 Q. How about the account
 15 Documents2010@ymail.com, when your lawyers
 16 originally made the document production in
 17 this case did you inform them that you had
 18 that Yahoo account?
 19 A. I didn't remember that at the
 20 time.
 21 Q. Am I correct that you formed
 22 that account in early 2010, January 2010,
 23 because you were concerned about account
 24 security surrounding the Donziger &
 25 Associates existing e-mail accounts may

Page 3008

1 DONZIGER
 2 have been compromised?
 3 A. It was formed around that time
 4 for that purpose, yes.
 5 Q. You started using that account
 6 in January 2010?
 7 A. Sometime around that time. It
 8 might have been earlier. I'm not sure.
 9 Q. And when you say you were
 10 concerned about security surrounding
 11 Donziger & Associates existing e-mail
 12 accounts being compromised, you are
 13 referring to Donziger & Associates' files
 14 relating to the Lago Agrio litigation,
 15 correct?
 16 A. Yes. But it was all the e-mail
 17 accounts. There was a Gmail account as
 18 well that I had concerns about.
 19 Q. So starting in or about January
 20 2010 you were using that Yahoo account for
 21 your e-mail relating to your cases,
 22 including the Lago Agrio case, correct?
 23 A. Generally, no.
 24 Q. But you were using that
 25 account, including for documents relating

Page 3009

1 DONZIGER
 2 to the Lago Agrio litigation, correct,
 3 starting in January 2010?
 4 A. Yes, in a very limited way.
 5 Q. Did there come a time when you
 6 ceased to use that account?
 7 A. Yes.
 8 Q. When was that?
 9 A. I don't remember exactly. But
 10 shortly after it was set up.
 11 Q. Did something occur that caused
 12 you to believe you no longer had the
 13 security concerns that caused you to
 14 create the account in the first place?
 15 A. No.
 16 Q. Tell me approximately for how
 17 long you believe you used that account
 18 for -- strike that.
 19 Tell me for how long you think
 20 you used that Yahoo account in 2010.
 21 A. I would say the account was in
 22 use for a few weeks.
 23 Q. Was there some precipitating
 24 event that caused you to stop using that
 25 account?

6 (Pages 3006 to 3009)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

62b2b517-f555-4e4e-bae2-aed052d067e7

<p style="text-align: right;">Page 3010</p> <p>1 DONZIGER</p> <p>2 A. I don't believe so.</p> <p>3 Q. Was there some reason why you</p> <p>4 would have erased all of the contents of</p> <p>5 the account?</p> <p>6 A. I didn't erase all the</p> <p>7 contents.</p> <p>8 Q. Do you know of any reason why</p> <p>9 there wouldn't be any contents in that</p> <p>10 account now?</p> <p>11 A. No.</p> <p>12 Q. What's the password to that</p> <p>13 account?</p> <p>14 A. I don't know.</p> <p>15 Q. You set up that account,</p> <p>16 correct?</p> <p>17 A. No.</p> <p>18 Q. Did you ever change the</p> <p>19 password to that account?</p> <p>20 A. I don't believe so, but I can't</p> <p>21 say for sure.</p> <p>22 Q. Did you ever know the password</p> <p>23 to that account?</p> <p>24 A. I think I was told it at one</p> <p>25 point by my associate.</p>	<p style="text-align: right;">Page 3012</p> <p>1 DONZIGER</p> <p>2 for a few weeks in 2010?</p> <p>3 A. That's my belief as I sit here</p> <p>4 today.</p> <p>5 Q. As you sit here today, can you</p> <p>6 think of any reason why anyone at your law</p> <p>7 firm would have erased the contents of</p> <p>8 that account?</p> <p>9 A. No.</p> <p>10 Q. And it's your testimony under</p> <p>11 oath that you did not erase the contents</p> <p>12 of that account?</p> <p>13 A. I don't believe I did, no.</p> <p>14 Q. Tell me what documents from the</p> <p>15 Lago Agrio litigation did you put into</p> <p>16 that account, Mr. Donziger?</p> <p>17 A. I believe they related to work</p> <p>18 being done by an investigator, Grant Fine,</p> <p>19 and based on what my associate told me I</p> <p>20 think drafts of documents being prepared</p> <p>21 by the Winston & Strawn lawyers relating</p> <p>22 to the litigation they were working on</p> <p>23 against Chevron. Maybe some others too.</p> <p>24 I don't remember.</p> <p>25 Q. When you say the Winston &</p>
<p style="text-align: right;">Page 3011</p> <p>1 DONZIGER</p> <p>2 Q. So it is your testimony that</p> <p>3 Mr. Woods set up the password to that</p> <p>4 account?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. At some point the password</p> <p>7 changed. Are you aware of that?</p> <p>8 A. No.</p> <p>9 Q. Did you change that password?</p> <p>10 A. It is possible.</p> <p>11 Q. And can you think of any reason</p> <p>12 as you sit here today why you would have</p> <p>13 done that?</p> <p>14 A. For security reasons.</p> <p>15 Q. So you set the account up for</p> <p>16 security reasons, correct? You may have</p> <p>17 changed the --</p> <p>18 THE SPECIAL MASTER: Did the</p> <p>19 witness answer that question?</p> <p>20 A. Yes.</p> <p>21 Q. You may have changed the</p> <p>22 account password for security reasons,</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. Yet you say you only used it</p>	<p style="text-align: right;">Page 3013</p> <p>1 DONZIGER</p> <p>2 Strawn lawyers, you mean the Winston &</p> <p>3 Strawn lawyers representing the Republic</p> <p>4 of Ecuador against Chevron, correct?</p> <p>5 A. Yes.</p> <p>6 Q. You were receiving drafts of</p> <p>7 their potential court submissions in 2010,</p> <p>8 correct?</p> <p>9 A. I believe so.</p> <p>10 Q. And you were commenting on</p> <p>11 those drafts, correct?</p> <p>12 A. I believe so.</p> <p>13 Q. Did you cease using the Yahoo</p> <p>14 account, Documents2010, before or after</p> <p>15 the subpoena issued against you in this</p> <p>16 case in early August?</p> <p>17 A. I believe before.</p> <p>18 Q. Did you cease using that</p> <p>19 account, Documents2010, before or after</p> <p>20 the subpoena issued to Stratus in 2010?</p> <p>21 A. To the best of my recollection,</p> <p>22 and I want to emphasize that my</p> <p>23 recollection is vague, I believe after.</p> <p>24 Q. Did you cease using that</p> <p>25 account because you saw subpoenas coming</p>

7 (Pages 3010 to 3013)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

62b2b517-f555-4e4e-bae2-aed052d067e7

<p style="text-align: right;">Page 3054</p> <p>1 DONZIGER</p> <p>2 Q. There were a lot of special</p> <p>3 accounts set up to plan the Cabrera</p> <p>4 report?</p> <p>5 A. No, for various reasons.</p> <p>6 Q. I'm just talking now about</p> <p>7 planning the Cabrera report.</p> <p>8 Do you remember setting up a</p> <p>9 special e-mail account with special</p> <p>10 passwords, you and Mr. Fajardo setting up</p> <p>11 a special account to plan the Cabrera</p> <p>12 report, just after Cabrera was sworn in in</p> <p>13 mid-June 2007? Do you remember that, sir?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you remember a password,</p> <p>16 special password, lizard, does that ring a</p> <p>17 bell for you, sir?</p> <p>18 A. I have a vague recollection.</p> <p>19 Q. Another vague recollection.</p> <p>20 Lagarto, l-a-g-a-r-t-o, a Spanish word,</p> <p>21 right, it means lizard, correct?</p> <p>22 A. I don't know that.</p> <p>23 Q. And Lagarto 3, that was you,</p> <p>24 wasn't it, sir? Lagarto 3 was you,</p> <p>25 correct?</p> <p style="text-align: right;">Page 3055</p> <p>1 DONZIGER</p> <p>2 A. I don't know.</p> <p>3 Q. Do you remember using a code</p> <p>4 name to gain access to a Hotmail account,</p> <p>5 your code name being Lagarto 3?</p> <p>6 A. No.</p> <p>7 Q. And Mr. Fajardo giving you</p> <p>8 instructions on June 22nd, 2007 for how to</p> <p>9 access this Hotmail account so you could</p> <p>10 get a copy about the plan?</p> <p>11 A. It is possible.</p> <p>12 Q. Does that ring any bells for</p> <p>13 you?</p> <p>14 A. It is possible.</p> <p>15 Q. Do you remember the address of</p> <p>16 the account being</p> <p>17 examen_pericial@hotmail.com; do you</p> <p>18 remember that, sir?</p> <p>19 A. It is possible.</p> <p>20 Q. And examen_pericial --</p> <p>21 THE SPECIAL MASTER: Spell that</p> <p>22 for the court reporter.</p> <p>23 MR. MASTRO: e-x-a-m-e-n,</p> <p>24 underscore, p-e-r-i-c-i-a-l.</p> <p>25 Q. Do you have a vague memory of</p>	<p style="text-align: right;">Page 3056</p> <p>1 DONZIGER</p> <p>2 that, sir?</p> <p>3 A. It is possible.</p> <p>4 Q. Do you remember it or not?</p> <p>5 A. Well, as you are reading it</p> <p>6 back --</p> <p>7 Q. I'm asking questions. You will</p> <p>8 get to read it later. Do you remember it?</p> <p>9 Do you recall it?</p> <p>10 A. I have a vague recollection</p> <p>11 hearing you ask the question.</p> <p>12 Q. Thank you. And "examen</p> <p>13 pericial," that literally means expert,</p> <p>14 "pericial," examination, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And this was a special e-mail</p> <p>17 account set up one week after Cabrera was</p> <p>18 sworn in to learn about the plan that</p> <p>19 plaintiffs' counsel had for Cabrera,</p> <p>20 correct?</p> <p>21 A. I don't know.</p> <p>22 Q. I'm going to show you the</p> <p>23 document and see if it refreshes your</p> <p>24 recollection.</p> <p>25 Can you please also tell us</p> <p style="text-align: right;">Page 3057</p> <p>1 DONZIGER</p> <p>2 Lagarto 3, does that now -- is that</p> <p>3 something that you, you know, have a vague</p> <p>4 recollection of, too?</p> <p>5 A. No.</p> <p>6 Q. Who were the other Lagartos?</p> <p>7 Who were Lagarto 1 and 2?</p> <p>8 A. I don't know.</p> <p>9 Q. For an account like this, in</p> <p>10 addition to yourself and Mr. Fajardo, who</p> <p>11 else would have had access to it?</p> <p>12 A. I don't know.</p> <p>13 MR. MASTRO: We will have it</p> <p>14 marked as Exhibit 1605.</p> <p>15 (Exhibit 1605 marked for</p> <p>16 identification.)</p> <p>17 Q. Mr. Donziger, have you had a</p> <p>18 chance to review that document?</p> <p>19 A. Yes.</p> <p>20 Q. I just want to try to refresh</p> <p>21 your recollection, your vague</p> <p>22 recollection.</p> <p>23 Do you see that the document is</p> <p>24 dated June 22nd, 2007?</p> <p>25 A. Yes.</p>
--	--

18 (Pages 3054 to 3057)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 3058</p> <p>1 DONZIGER</p> <p>2 Q. And it is from Pablo Fajardo?</p> <p>3 A. Yes.</p> <p>4 Q. To you, correct?</p> <p>5 A. Yes.</p> <p>6 Q. "Subject, Account." And he</p> <p>7 addresses it "Hello, Lagarto 3." That's</p> <p>8 apparently you, correct?</p> <p>9 A. Yes.</p> <p>10 Q. To learn about the plan,</p> <p>11 correct? And as you look at this e-mail</p> <p>12 now, does it refresh your recollection</p> <p>13 that the plan he is referring to is the</p> <p>14 plan for how to work with the global</p> <p>15 damages assessment expert on his report?</p> <p>16 A. I believe so, yes.</p> <p>17 Q. And this is access to a special</p> <p>18 Hotmail account, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you can see that address,</p> <p>21 examen_pericial, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember using that</p> <p>24 e-mail account as we sit here today?</p> <p>25 A. I might have on occasion.</p> <p style="text-align: right;">Page 3059</p>	<p style="text-align: right;">Page 3060</p> <p>1 DONZIGER</p> <p>2 important relating to planning the global</p> <p>3 damages assessment expert's report; is</p> <p>4 that your testimony?</p> <p>5 A. Well --</p> <p>6 Q. Yes or no.</p> <p>7 A. The account itself was to me</p> <p>8 not the issue.</p> <p>9 THE SPECIAL MASTER: Strike</p> <p>10 that. Answer the question.</p> <p>11 Q. Was the plan important?</p> <p>12 A. The work we were doing, yes.</p> <p>13 Q. Yes, that was very important,</p> <p>14 wasn't it?</p> <p>15 A. Yes.</p> <p>16 Q. In fact, it was top secret</p> <p>17 among the plaintiffs' counsel, wasn't it?</p> <p>18 A. We did not want the other side</p> <p>19 to know about our litigation strategy.</p> <p>20 THE SPECIAL MASTER: So the --</p> <p>21 Q. So the answer is yes, correct?</p> <p>22 A. Yes.</p> <p>23 Q. In fact, Mr. Fajardo made --</p> <p>24 THE SPECIAL MASTER: Hold on a</p> <p>25 second. I want to strike the answer that</p> <p style="text-align: right;">Page 3061</p>
<p>1 DONZIGER</p> <p>2 Q. This would have been a pretty</p> <p>3 important account, wouldn't it, working on</p> <p>4 the plan, the global damages assessment</p> <p>5 expert report? Would it or would it not</p> <p>6 have? Yes or no.</p> <p>7 A. This is --</p> <p>8 Q. Yes or no.</p> <p>9 A. Somewhat.</p> <p>10 Q. And the password you see there</p> <p>11 is CVX.666. Do you know what that refers</p> <p>12 to?</p> <p>13 A. I believe CVX is Chevron.</p> <p>14 Q. And do you recall --</p> <p>15 THE SPECIAL MASTER: Was CVX</p> <p>16 the ticker symbol for Chevron on the Stock</p> <p>17 Exchange?</p> <p>18 THE WITNESS: Yes, I believe it</p> <p>19 is.</p> <p>20 Q. So you think this would have</p> <p>21 been only somewhat important, this</p> <p>22 particular plan, one week after the</p> <p>23 court-appointed -- strike that.</p> <p>24 It is your testimony that this</p> <p>25 account would have only been somewhat</p>	<p>1 DONZIGER</p> <p>2 was first given, "we did not want the</p> <p>3 other side to know about it."</p> <p>4 The answer to the question is</p> <p>5 yes; is that correct, Mr. Donziger?</p> <p>6 THE WITNESS: We wanted to keep</p> <p>7 it confidential.</p> <p>8 THE SPECIAL MASTER: Sir, yes</p> <p>9 or no. You already answered yes.</p> <p>10 Q. The plan was top secret among</p> <p>11 plaintiffs' counsel, wasn't it?</p> <p>12 A. We wanted to keep it</p> <p>13 confidential.</p> <p>14 Q. Yes or no, the plan for</p> <p>15 preparing the global damages assessment</p> <p>16 expert's report was top secret among</p> <p>17 plaintiffs' counsel, correct? Yes or no.</p> <p>18 A. We wanted to keep it</p> <p>19 confidential.</p> <p>20 THE SPECIAL MASTER: That is</p> <p>21 not responsive. Answer the question.</p> <p>22 A. No.</p> <p>23 Q. It was not?</p> <p>24 A. I wouldn't characterize it as</p> <p>25 top secret.</p>

19 (Pages 3058 to 3061)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

62b2b517-f555-4e4e-bae2-aed052d067e7

Page 3310

1
2 CERTIFICATION
3

4 I, TODD DeSIMONE, a Notary Public for
5 and within the State of New York, do
6 hereby certify:

7 That the witness whose testimony as
8 herein set forth, was duly sworn by me;
9 and that the within transcript is a true
10 record of the testimony given by said
11 witness.

12 I further certify that I am not related
13 to any of the parties to this action by
14 blood or marriage, and that I am in no way
15 interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 18th day of January, 2011.
18
19

20 _____
21 TODD DESIMONE
22
23
24
25

Page 3311

1
2 ERRATA SHEET
3 VERITEXT REPORTING COMPANY

4 CASE NAME: IN RE CHEVRON
5 DATE OF DEPOSITION: 1/18/11
6 WITNESS' NAME: STEVEN DONZIGER

7 PAGE/LINE(S) CHANGE REASON

8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____

21 _____
22 STEVEN DONZIGER

23 SUBSCRIBED AND SWORN TO BEFORE ME
24 THIS _____ DAY OF _____, 2011.

25 (NOTARY PUBLIC) MY COMMISSION EXPIRES: _____

82 (Pages 3310 to 3311)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400